



Development Services Department

Code Enforcement Division
1222 First Avenue, 5th Floor, MS 511
San Diego, CA 92101-4101

SAN DIEGO CA 920
29 SEP 2022 PM 2 L

Hasler FIRST-CLASS MAIL
09/29/2022
US POSTAGE \$000.57⁰



BOX CLOSED-
NO ORDER



ZIP 92102
011E12650274

RECEIVED

OCT 11 2022

CODE ENFORCEMENT
DIVISION

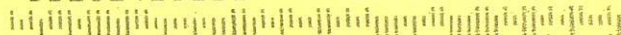
Derby Trust
Erica Derby
PO Box 711029
Santee CA 92072

NIXIE 911 DE 1 0010/04/22

RETURN TO SENDER
VACANT
UNABLE TO FORWARD

BC: 92101410122 *2252-07556-04-31

VAC
92072 92101410122



RECEIVED

OCT 11 2022

CODE ENFORCEMENT
DIVISION



MAILED

SEP 28 2022

CODE ENFORCEMENT
DIVISION

September 28, 2022

CIVIL PENALTY NOTICE AND ORDER

Location: 7434 Herschel Avenue #7

APN No.: 350-651-25-07

**Property Owner/
Responsible Person:** Derby Trust
Erica Derby

Address: PO Box 711029
Santee, CA 92072

Zoning Designation: RM-3-7

You are hereby notified that the property identified above is in violation of the San Diego Municipal Code (SDMC). On **September 08, 2022**, the following violations were observed at the property and must be corrected:

- Existing walls in living room that had previously been closet walls were removed.
- Tub/shower tile enclosures renovated, and new valves were also installed.
- Dishwasher improperly connected to drainage system without an air gap

This is a violation of the following code section(s):

<u>Code Section</u>	<u>Violation Description</u>
• SDMC §129.0202	When a Building Permit Is Required
• SDMC §129.0402	When a Plumbing/Mechanical Permit Is Required
• SDMC §129.0111	General Rules for Construction Permit Inspections
• CPC 807.3	Domestic Dishwashing Machine
• SDMC §§121.0202-121.0203	Provides the authority regarding enforcement of the Land Development Code.
• SDMC §121.0302	Requires compliance with the Land Development Code, specifies these violations are not permitted and provides authority for the abatement of public nuisances.

Page 2
Civil Penalty Notice and Order
7434 Herschel Avenue #7
September 28, 2022

If you correct the above violations as identified below, you will not be subject to any administrative civil penalties.

In order to avoid administrative civil penalties, you must correct the violations by **March 29, 2023**, as follows:

- Obtain required permit(s) to remove or keep unpermitted work; complete all required inspections.
- Obtain required Plumbing/Mechanical Permit(s) and successfully complete all required inspections.
- Properly connect dishwasher to air gap as required.
- Successfully complete all required inspections in a timely manner.

All applications for permits must be submitted online. Please go to <https://www.sandiego.gov/development-services> and click on apply for a permit online. Be advised that CED will be reviewing the submitted plans for enforcement compliance.

Reinspection fees are assessed for each inspection after the issuance of a violation notice in accordance with the SDMC §13.0103. An invoice will be sent following each inspection until compliance is achieved. Current reinspection fees range between \$264 and \$295.

Please refer to the San Diego Municipal Code sections cited for additional information via <https://www.sandiego.gov/city-clerk/>.

Additional forms and documents to assist in your compliance efforts are available at: <https://www.sandiego.gov/ced/forms>.

Failure to Comply with Notice and Order

If you fail to comply with this Notice and Order in the time and manner set forth above, you are subject to civil administrative penalties pursuant to SDMC §§12.0801-12.0810. The penalty rate for the above listed violation(s) has been established in accordance with SDMC §§12.0801-12.0810 at **\$300.00** per violation per day and shall be an ongoing assessment of penalties at the daily rate until the violations are corrected. Administrative civil penalty amounts are established by the Development Services Director.

The following factors were used in determining the amount:

- the nature and seriousness of the violation
- the good faith effort by the Responsible Person to comply
- the economic impact of the penalty on the Responsible Person
- the impact of the violation upon the community

Pursuant to SDMC §12.0805(a), in determining the date on which civil penalties shall begin to accrue, the Development Services Director considers the date when the Code Enforcement

Page 3
Civil Penalty Notice and Order
7434 Herschel Avenue #7
September 28, 2022

Division first discovered the violations as evidenced by the issuance of a Notice of Violation or any other written correspondence. The date on which the civil penalties began to accrue is **September 08, 2022** and shall end on the date that the violation(s) has been corrected to the satisfaction of the Development Services Director or the Enforcement Hearing Officer.

Civil Penalties Hearing

If you fail to comply with the Notice and Order, written notice of the time and place of an administrative enforcement hearing will be served on you at least 10 calendar days prior to the date of the hearing in accordance with SDMC §12.0403. At the hearing, you may present evidence concerning the existence of the violation(s) and whether the amount of administrative civil penalties assessed was reasonable in accordance with SDMC §12.0808. Failure to attend an administrative enforcement hearing will constitute a waiver of your rights to an administrative hearing and administrative adjudication of the violation(s) set forth above.

Administrative Costs

The Development Services Director or Enforcement Hearing Officer is authorized to assess administrative costs. Administrative costs may include, but are not limited to: staff time to investigate and document violations; laboratory, photographic, and other expenses incurred to document or establish the existence of a violation; and scheduling and processing of the administrative hearing and all actions.

Failure to Comply with Administrative Enforcement Order

If you fail, neglect, or refuse to obey an order to correct the violations, administrative civil penalties will continue to accrue on a daily basis until the violation is corrected. The unpaid amount of administrative civil penalties will be referred to the City Treasurer for collection, recorded as a code enforcement lien against the property in accordance with SDMC §§13.0201-13.0204, and may be referred to the City Attorney to file a court action to recover the unpaid amount. Failure to correct the violations may also result in referral to the City Attorney for further enforcement action.

If you have any questions concerning this Notice and Order, or to schedule a compliance inspection, please contact **Cassidy Anderson, Combination Building Inspector II, at (619) 533-6132.**

MRR/CLA/ao

cc: Council District 1
File

CED# 0520436

This information will be made available in alternative formats upon request.

7434 Herschel Avenue #7_ced105_CLA